

UNITED STATES DISTRICT COURT
for the
District of New Mexico

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Person of Johnny RAMIREZ
(YOB 1984, SSN: XXX-XX-5886)

for DNA sample by way of buccal swab

Case No. 24-MR-2169

FILED
United States District Court
Albuquerque, New Mexico

Mitchell R. Elfers
Clerk of Court

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated by reference.

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

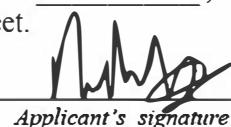
Code Section	Offense Description
18 U.S.C. 922(g)(1) and 924	Felon in Possession of a Firearm and Ammunition

The application is based on these facts:

See attached affidavit

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Noeh Mejia, Special Agent, ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by electronically signed and telephonically sworn. (specify reliable electronic means).

Date: 11/25/2024



Judge's signature

City and state: Albuquerque, NM

Jennifer M. Rozzoni, United States Magistrate Judge

Printed name and title

Print

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AFFIDAVIT FOR SEARCH WARRANT

AGENT BACKGROUND AND EXPERIENCE

1. Noeh Mejia, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am an ATF Special Agent. I have been employed with ATF since January of 2020. I am an investigative, or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18, 21, and 26 of the United States Code.
3. Through the ATF, I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center, as well as the Special Agent Basic Training Program at the ATF National Academy. During these programs, I received instruction in and practiced the investigation of violations of federal firearms, explosives, and arson statutes. Prior to employment with the ATF, I worked as a Medicare and Medicaid Fraud Investigator for the Centers for Medicare and Medicaid Services (CMS) under the United States Department of Health and Human Services (USHHS). I also have a Master's and Bachelor's Degree in Criminology from San Diego State University. My training has involved, among other things: (1) interviewing defendants and witnesses, (2) conducting surveillance, (3) analysis and processing of documentary, electronic, and physical evidence, (4) the legal and illegal purchase of firearms, (5) the execution of arrest and search warrants seeking firearms, and narcotics, and (6) firearms trafficking.
4. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

INTRODUCTION

5. I make this application in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of Johnny RAMIREZ (born in 1984, SN: XXX-XX-5886)—specifically, to collect deoxyribonucleic acid (DNA) samples from RAMIREZ by way of buccal swabs. As described below, there is probable cause to believe RAMIREZ's DNA may be present on a firearm seized by law enforcement in the course of this investigation. Therefore, this warrant seeks authorization to collect two (2) DNA samples from RAMIREZ in order to compare that sample with samples collected from the lawfully seized evidence in this case.
6. RAMIREZ is currently in the custody of the Cibola County Correctional Center, in the District of New Mexico.
7. Because this affidavit was authored for the limited purpose of establishing probable cause, it does not include each and every fact known to me from this investigation. In authoring

this affidavit, I relied on the reports and statements of other law enforcement officers and involved parties in order to ascertain the facts of the case and author this affidavit.

PROBABLE CAUSE

8. On June 29, 2023, Bernalillo County Sheriff's Office (BCSO) Deputy, Lukas Drennan while on patrol pulled into the Mavericks gas station located at 650 Juan Tablo Blvd, Albuquerque, NM. Deputy Drennan was flagged down by an off-duty firefighter and advised that two individuals were passed out inside a red Chrysler sedan. Deputy Drennan positioned his vehicle behind the red Chrysler sedan which had a New Mexico license plate, BFBK17 and registered to AR¹. Deputy Drennan approached the vehicle and observed a female, later identified as CH², passed out in the driver's seat and a male, later identified as Johnny RAMIREZ, passed out in the passenger seat. BCSO Deputy Drennan observed burnt foil in the center console, which led him to believe the individuals may be under the influence of a controlled substance.
9. Deputy Drennan then announced himself to the driver of the vehicle and his commands to turn off the vehicle were ignored. Deputy Drennan turned off the vehicle due to being concerned for officer safety. Deputy Drennan observed CH's hand was concealed in a fast-food bag and for officer safety, CH was placed in handcuffs. RAMIREZ began waking up and began moving around his seat. RAMIREZ was instructed to put his hands on the dash and was initially uncompliant, but complied once he was instructed a second time.
10. A second BCSO Deputy arrived on scene and instructed RAMIREZ again to put his hands on the dash. RAMIREZ complied but continued to move around in his seat. The BCSO Deputy then instructed RAMIREZ to get out of the vehicle and while he was exiting the vehicle, a firearm was observed on the seat where RAMIREZ was sitting. RAMIREZ was detained in handcuffs and placed in a patrol unit.
11. BCSO Deputies were able to determine that RAMIREZ had been previously on probation and was informed by RAMIREZ that he was currently on parole. BCSO Deputies were also informed that RAMIREZ had a felony conviction within the last ten years.
12. RAMIREZ was read his rights per Miranda and agreed to speak with BCSO Deputy Drennan. RAMIREZ indicated he did not know to whom the firearm belonged.
13. BCSO Deputies found that the firearm, a Smith & Wesson, model M&P 45 Shield, 45 Auto caliber pistol, bearing serial number HYP4875 had the magazine inserted and did

¹ AR's full name is known to me but is anonymized here to protect the ongoing investigation.

² CH's full name is known to me but is anonymized here to protect the ongoing investigation.

not have a round in the chamber. The firearm magazine contained five rounds of .45 caliber ammunition.

14. Former ATF SA Erica Rosenblum determined that RAMIREZ was convicted on the felony crimes of Distribution of Five Grams or More of Methamphetamine and Distribution of Heroin (1:15CR04278-001JCH) out of the United States District Court in the District of New Mexico.
15. On October 19, 2023, former ATF SA Rosenblum examined the above-described Smith and Wesson pistol. Former ATF SA Rosenblum function tested the firearm and found that it functioned as designed. On the same date, former ATF SA Rosenblum who was trained in determining the interstate nexus of firearms, determined that the firearm was not manufactured in the state of New Mexico.
16. On November 21, 2023, a grand jury returned an indictment in case number 1:23-cr-01707-JCH charging RAMIREZ with one count of being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. 922(g)(1) and 924. RAMIREZ is currently detained at the Cibola County Correctional Facility in New Mexico pending trial.
17. In my training and experience, I have learned it is common for an individual's DNA to be transferred to items handled by that individual; in this case, the item is a firearm. Based upon these facts, I respectfully request that a search warrant be issued for RAMIREZ to collect two (2) samples of buccal cells for forensic analysis and for use as evidence in court as I opine there is probable cause to believe that RAMIREZ, a previously convicted felon, previously and unlawfully, possessed a firearm that has traveled in interstate commerce, in violation of Title 18, U.S.C. 922(g)(1) and 924.

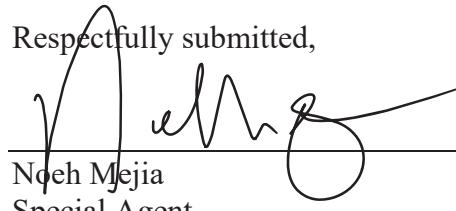
MANNER OF COLLECTION

18. Based on my training and experience, I know the buccal swab samples from RAMIREZ can, and will, be obtained pursuant to approved medical procedures, without unnecessary discomfort to RAMIREZ, in private, and under circumstances where he will feel little or no pain or embarrassment. Should RAMIREZ refuse to cooperate in the collection process, I respectfully request authorization to utilize reasonable force in obtaining buccal swabs from him.

CONCLUSION

19. Based on the facts outlined above, I submit there is probable cause to believe Johnny RAMIREZ unlawfully possessed a firearm and that his DNA will be found on that firearm, as well as other items of evidence that have already been lawfully seized. Therefore, I respectfully request that the Court issue a search warrant authorizing the collection of buccal cells from Johnny RAMIREZ for the purpose of conducting forensic analysis.
20. This search warrant affidavit was reviewed and approved by Assistant United States Attorney Samuel A. Hurtado.

Respectfully submitted,


Noeh Mejia
Special Agent
ATF

Subscribed electronically and sworn telephonically to me
on November 25, 2024:


JENNIFER M. ROZZONI,
UNITED STATES MAGISTRATE JUDGE

Attachment A

Person and Place To Be Searched

1. The person known as Johnny RAMIREZ, Date of Birth: XX/XX/1984, SSN: XXX-XX-5886. RAMIREZ is currently incarcerated at Cibola County Correctional Center in New Mexico.

See below picture



Attachment B

DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED

DNA evidence from Johnny RAMIREZ to wit; Buccal cell swabs, sufficient for DNA analysis, which would be material evidence in a criminal prosecution.